

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

LIZELLE GONZALEZ	) (	
Plaintiff	) (	
	) (	
VS.	) (	CIVIL ACTION NO.
	) (	7:24-cv-00132
GOCHA ALLEN RAMIREZ,	) (	
ALEXANDRIA LYNN BARRERA,	) (	
RENE FUENTES, and STARR	) (	
COUNTY, TEXAS	) (	
Defendants	) (	

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ORAL AND VIDEOTAPED DEPOSITION OF  
ABEL VILLARREAL  
MARCH 12, 2025

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ORAL AND VIDEOTAPED DEPOSITION OF ABEL  
VILLARREAL, produced as a witness at the instance of  
the PLAINTIFF, taken in the above-styled and numbered  
cause on MARCH 12, 2025, between the hours of  
10:10 a.m. and 3:50 p.m., reported stenographically by  
DONNA McCOWN, Certified Court Reporter No. 6625, in and  
for the State of Texas, at Garza Martinez, PLLC, 202  
East Sprague Street, Edinburg, Texas, pursuant to the  
Federal Rules of Civil Procedure and any provisions  
stated on the record or attached therein.

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13:00 1 do, for example, if it's missing -- if I don't think  
13:00 2 it's specific enough or -- or stuff like that, then --  
13:00 3 then I have, yes.

13:00 4 Q. Okay. And would you say those are more, like,  
13:00 5 formal kind of technical problems, or is there -- is  
13:00 6 there ever like a legal problem underlying for a reason  
13:00 7 not to subpoena something?

13:00 8 A. Yes, there was -- there's been times --

13:00 9 THE COURT REPORTER: Kelly, did you --

13:00 10 MS. ALBIN: Yes.

13:00 11 THE COURT REPORTER: Can you say it again?

13:00 12 MS. ALBIN: I objected, but you can  
13:00 13 answer.

13:00 14 A. I've -- I've refused to sign some subpoenas  
13:00 15 where they're requesting phone records, because even  
13:00 16 though you can get subscriber information through  
13:00 17 subpoenas, under Texas law, you need a search warrant  
13:00 18 to get phone records, and some officers don't know  
13:01 19 that, so they've sent over requests for subpoenas, and  
13:01 20 in that situation, I declined.

13:01 21 Q. Okay. In that -- in that situation, would you  
13:01 22 have a conversation with the officer to explain why you  
13:01 23 declined it?

13:01 24 A. No. In those situations, usually, I have -- I  
13:01 25 tell the investigators that we have -- because they're

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13:01 1 kind of -- a lot of the times they're like the middle  
13:01 2 people, so I just tell them, "Hey, explain to this  
13:01 3 agency and make sure you get the word around that they  
13:01 4 can't be requesting these type of subpoenas for that."

13:01 5 MS. KOVEL: Okay. All right. Kelly, have  
13:01 6 you received the e-mail?

13:01 7 MS. CORNING: In one second. Sorry.

13:01 8 Q. Okay. And once you have signed the  
13:01 9 application, you said you don't actually give it to  
13:01 10 the -- does a judge have to sign it or a clerk?

13:01 11 A. It depends. If it's an in-county subpoena,  
13:01 12 that means that it's going to served within the county,  
13:01 13 a judge does not have to sign it, and it just has to  
13:02 14 get filed with the clerks, and they have to issue the  
13:02 15 subpoena, which they stamp-file it.

13:02 16 If it's an out-of-county subpoena, then  
13:02 17 the district judge of that grand jury has to sign it,  
13:02 18 so we sign the application. It goes to the district  
13:02 19 judge. If they sign off on it, then the district clerk  
13:02 20 stamps the subpoena and it goes out.

13:02 21 Q. Okay. Would you appear before the judge in  
13:02 22 that circumstance, or is it sort of an automatic  
13:02 23 process?

13:02 24 A. No. It's just the subpoena itself or the  
13:02 25 application goes to the judge's office. We don't

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13:02 1 appear before them.

13:02 2 MS. KOVEL: All right. Kelly, let me know  
13:02 3 when you have the e-mail.

13:02 4 THE COURT REPORTER: Say it again.

13:02 5 MS. KOVEL: I said Kelly, let me know --

13:02 6 THE COURT REPORTER: I mean I missed hers.

13:02 7 MS. ALBIN: Yes, I have them.

13:02 8 MS. KOVEL: Thank you.

13:02 9 Q. Okay. So we're calling the one, Exhibit 1  
13:02 10 that's marked --

13:02 11 MS. GARZA: -- 6, yes.

13:02 12 Q. So starting with the Exhibit No. 1, which is  
13:02 13 marked at the bottom Confidential Exhibit No. 6. Do  
13:03 14 you see this document?

13:03 15 A. Yes, ma'am.

13:03 16 Q. And do you recognize this copy?

13:03 17 A. That is my signature. I don't remember this  
13:03 18 particular one. I remember the other one, but this one  
13:03 19 I don't remember.

13:03 20 Q. Okay. So by "the other one," you're referring  
13:03 21 to Plaintiff's Exhibit 2, which is marked at the bottom  
13:03 22 Confidential Exhibit No. 7. Am I correct?

13:03 23 A. Yes. That one -- that one -- I remember that  
13:03 24 one. I don't remember this subpoena, but that is my  
13:03 25 signature.

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13:03 1 Q. Okay. And tell me what you remember about  
13:03 2 Plaintiff's Exhibit 2.

13:03 3 A. This is the one that says "Confidential No. 7"?

13:03 4 Q. Correct.

13:03 5 A. I remember that -- that for this one, the  
13:03 6 sheriff's department had requested a subpoena for the  
13:03 7 medical records because they were asking for advice,  
13:03 8 and we didn't have nearly enough facts to make any  
13:03 9 determination on the case.

13:03 10 Q. Okay. So let's back up a little bit. This --  
13:03 11 this is a grand jury subpoena regarding medical records  
13:04 12 of our client Lizelle Herrera, correct?

13:04 13 A. Uh-huh.

13:04 14 Q. Now she's Gonzalez. Okay?

13:04 15 A. Yes, ma'am.

13:04 16 Q. And you said this is -- this is a request for  
13:04 17 medical records. The front of it says "Starr County  
13:04 18 Memorial Hospital," correct?

13:04 19 A. Yes, ma'am.

13:04 20 Q. Okay. When did you first hear about the  
13:04 21 incident involving our client Lizelle Herrera?

13:04 22 A. Must have been the same day this subpoena was  
13:04 23 filed, I would assume, around that time.

13:04 24 Q. And who notified you about it? Who contacted  
13:04 25 you first?

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13:04 1 A. The investigator that contacted me I believe  
13:04 2 was Esmer Muniz. I believe she called me.

13:04 3 Q. Muniz?

13:04 4 A. Muniz, yes.

13:04 5 Q. She called you on your cell phone?

13:04 6 A. I don't believe it was my cell phone. I think  
13:04 7 it was my -- my office phone, because I remember I was  
13:04 8 in my office working on something. And I don't know if  
13:04 9 they just called to see who was there or what, but I do  
13:05 10 remember that I answered the phone in my office, so I  
13:05 11 want to say it was the landline there at the office.

13:05 12 Q. Okay.

13:05 13 A. Yeah.

13:05 14 Q. And who is Esmeralda Muniz?

13:05 15 A. She's a former investigator with the sheriff's  
13:05 16 department. She -- she's recently retired.

13:05 17 Q. Okay. Did you know her at the -- now, this is  
13:05 18 around January 2022, correct?

13:05 19 A. Yes.

13:05 20 Q. And did you know her at that time?

13:05 21 A. Yes.

13:05 22 Q. Had you done work with -- with cases -- have  
13:05 23 you worked on cases with her previously?

13:05 24 A. Yes, ma'am.

13:05 25 Q. Okay. Do you know if she called you directly?

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13:05 1 A. What do you mean directly?

13:05 2 Q. Do you have a direct line in the DA's office  
13:05 3 for your desk phone?

13:05 4 A. No. No, ma'am.

13:05 5 Q. Okay. Is there just one phone number and  
13:05 6 whoever answers answers?

13:05 7 A. So the way it works is the entire county has a  
13:05 8 phone number, and it goes to a centralized -- kind of  
13:05 9 like an operator. And then from there, they send you  
13:05 10 to the departments.

13:05 11 So there they would forward the phone call  
13:06 12 to the front desk there at the DA's office, and then  
13:06 13 from there, they would get transferred to whoever  
13:06 14 they're looking for there at the DA's office.

13:06 15 Q. Okay. So do you know if Investigator Muniz was  
13:06 16 asking for you by name?

13:06 17 A. I'm not sure, ma'am.

13:06 18 Q. Okay. And do you remember what she said to you  
13:06 19 on that phone conversation?

13:06 20 A. I remember the -- I guess the gist of what she  
13:06 21 told me, because it was a while back, but it wasn't a  
13:06 22 long conversation. She had -- she had advised me that  
13:06 23 they -- I guess the Starr County Hospital -- or Starr  
13:06 24 County Memorial Hospital had contacted the sheriff's  
13:06 25 department, something about them being concerned or

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13:06 1 somebody in their department. I don't know if it was  
13:06 2 an attorney or somebody was concerned that they hadn't  
13:06 3 reported something to law enforcement.

13:06 4           Apparently -- what I remember is that  
13:06 5 there was a female that had gone in a few days before,  
13:07 6 and I don't know if they had to pump her stomach or  
13:07 7 something like that, that she had ingested some --  
13:07 8 something. They had treated her. She had left. And  
13:07 9 then she came back.

13:07 10           What stood out that -- what they told me  
13:07 11 was that when she came back that the baby -- or there  
13:07 12 was -- oh, sorry. At the beginning that she was  
13:07 13 pregnant, that's one of the details they had told me  
13:07 14 the first time she went. When she was -- when she came  
13:07 15 back the second time that the baby was sticking out of  
13:07 16 her.

13:07 17           And when I asked, "What do you mean the  
13:07 18 baby was sticking out of her," they said, "That's all  
13:07 19 they told us. They didn't give us any more details  
13:07 20 other than that." So they're asking, "Well, you know,  
13:07 21 do we have a case here?"

13:07 22           I told them, "That's not nearly enough  
13:07 23 information for me to make the determination was the  
13:07 24 baby born alive? Were they not?" They didn't -- they  
13:07 25 didn't know.

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13:07 1 Q. Okay. So stepping back, it sounds like  
13:08 2 Investigator Muniz was talking about the case more  
13:08 3 generally and not at that time specifically about  
13:08 4 medical records?

13:08 5 A. Not -- not at that moment.

13:08 6 Q. Okay.

13:08 7 A. Yeah.

13:08 8 Q. So was she asking, you said, "Do we have a case  
13:08 9 here?" She asked you that?

13:08 10 A. Yeah. She was confused because she was like --  
13:08 11 like basically, like, you know, "This is all we have  
13:08 12 right now. Like is there a case here because of the  
13:08 13 baby?"

13:08 14 And my question was, "Well, was the baby  
13:08 15 born? Under what condition was it born?"

13:08 16 And I remember her telling me that she  
13:08 17 didn't know because that all the hospital did was the  
13:08 18 initial report, and then after that, they refused to  
13:08 19 give any information, that basically their position was  
13:08 20 that they had complied with their duties to report, and  
13:08 21 after that, they shut down.

13:08 22 I do remember asking if there was an  
13:08 23 autopsy to see if the child had been born alive, under  
13:08 24 what conditions if it was born. I remember being told  
13:08 25 that the -- that the body of the child, embryo, I mean,

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13:09 1 had been cremated. So there was no autopsy. There's  
13:09 2 no nothing to go on there.

13:09 3 So basically, that's when they asked for  
13:09 4 the grand jury subpoena for the medical records,  
13:09 5 because they were trying to figure out what happened  
13:09 6 here and if there's any actionable crime that happened,  
13:09 7 because there was -- there was some possibilities,  
13:09 8 depending on what the circumstances were, but not  
13:09 9 enough solid facts to -- to know anything for sure.

13:09 10 Q. Okay. So did you convey to Investigator Muniz  
13:09 11 that conclusion that you just drew, that there was a  
13:09 12 possibility that there could be a crime?

13:09 13 A. No. What I -- what I told her was that I  
13:09 14 didn't have enough facts to make a determination. And  
13:09 15 that's when she asked for the grand jury subpoena for  
13:09 16 the medical record.

13:09 17 Q. Okay. Did anyone use the term "abortion" or  
13:09 18 the word "abortion" --

13:09 19 A. No, ma'am.

13:10 20 Q. -- in that time?

13:10 21 A. No, ma'am.

13:10 22 Q. Okay. And when you -- you said she had  
13:10 23 ingested something, did Investigator Muniz say what  
13:10 24 that -- what that thing was at that time in that  
13:10 25 conversation?

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15:42 1 bonus if she presented this case to the grand jury?

15:42 2 A. No, ma'am. That never happens.

15:42 3 Q. In your experience, do ADAs supervise the Starr  
15:42 4 County Sheriff's Office investigators while they're  
15:42 5 conducting their investigations?

15:42 6 A. No, ma'am. They have their own chain of  
15:42 7 command. They don't report to us.

15:42 8 Q. Are you aware of any agreement between the  
15:42 9 district attorney's office that you work for and the  
15:42 10 Starr County hospital to prosecute abortion cases?

15:43 11 A. No, ma'am.

15:43 12 Q. And as you sit here today, do you even know, in  
15:43 13 fact, whether Ms. Herrera had an abortion or not?

15:43 14 A. I don't. I -- I never reviewed the medical  
15:43 15 records or the reports. So I -- to this day, I still  
15:43 16 don't know what actually happened in this case.

15:43 17 Q. Does DA Ramirez require the ADAs to consult  
15:43 18 with him prior to the ADAs presenting a case to the  
15:43 19 grand jury?

15:43 20 A. No, ma'am.

15:43 21 Q. Do you believe there was a conspiracy amongst  
15:43 22 anyone in the DA's office to prosecute Ms. Herrera?

15:43 23 A. No, ma'am.

15:43 24 MS. KOVEL: Objection. I'm sorry. Can I  
15:43 25 put an objection on the record?

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**UUVUU HUUIU HUUIU U**  
**District Attorney**

April 10, 2022

**RELEASE**

Yesterday afternoon, I reached out to counsel for Ms. Lizelle Herrera to advise him that my office will be filing a motion dismissing the indictment against Ms. Herrera Monday, April 11, 2022. In reviewing applicable Texas law, it is clear that Ms. Herrera cannot and should not be prosecuted for the allegation against her.

In reviewing this case, it is clear that the Starr County Sheriff's Department did their duty in investigating the incident brought to their attention by the reporting hospital. To ignore the incident would have been a dereliction of their duty. Prosecutorial discretion rests with the District Attorney's office, and in the State of Texas a prosecutor's oath is to do justice. Following that oath, the only correct outcome to this matter is to immediately dismiss the indictment against Ms. Herrera.

Although with this dismissal Ms. Herrera will not face prosecution for this incident, it is clear to me that the events leading up to this indictment have taken a toll on Ms. Herrera and her family. To ignore this fact would be shortsighted. The issues surrounding this matter are clearly contentious, however based on Texas law and the facts presented, it is not a criminal matter.

Going forward, my office will continue to communicate with counsel for Ms. Herrera in order to bring this matter to a close. It is my hope that with the dismissal of this case it is made clear that Ms. Herrera did not commit a criminal act under the laws of the State of Texas.

Respectfully,

*Gacha Allen Ramirez*

Gocha Allen Ramirez  
229<sup>th</sup> Judicial District Attorney

